

REMARKS

Claims 1-3, 5, 6, 8, 9, 11-13, 18-20, 23 and 24 were rejected during the prosecution of the prior application (No. 09/915,081) as obvious over Saltzman (U.S. Patent No. 2,304,319) in view of Desimone et al. (U.S. Patent No. 5,339,482). The Examiner argued that Saltzman discloses a dental hygiene handle including a proximal grip section 21, a distal brush section 10 having toothbrush head with bristles 12, and a central control section 20 located therebetween. He further argued that the control section comprises four lands, arranged in pairs on opposite sides of the central control section. Desimone et al. was cited as disclosing a toothbrush handle having elastomeric lands including a raised design for receiving the thumb and fingers of the user.

Applicants respectfully disagree that it would have been obvious to provide the handle of Saltzman with elastomeric material on the lands in view of the teachings of Desimone et al. Desimone et al. do not recognize or address the Bass method. The structure taught in Desimone et al. will not facilitate the practice of the Bass method as will the claimed structure. The Saltzman patent issued in 1942 and the Desimone et al. patent issued in 1994. Notwithstanding the passage of 52 years since the Saltzman patent issued, neither Desimone et al. nor anyone else to applicants' knowledge has suggested the claimed structure of two pairs of elastomeric lands on opposite sides of the central control section, one of each pair of lands for receiving the thumb of a user and the other of each pair of lands for receiving the forefinger of the user.

Also, with specific reference to amended claims 5-7, it is noted that these references do not teach or suggest a dental hygiene system handle in which the proximal grip section is ellipsoidal in shape about the longitudinal axis of the handle. *Webster's New World Collegiate Dictionary*, 4th Ed. (2001), defines "an ellipsoid" as a solid formed by rotating an ellipse around either axis: its plane sections are all ellipses or circles. It is noted in this connection that the Examiner argues that Figure 5 of Saltzman includes a grip section which is generally ellipsoidal in shape. However, Figure 6, which shows the grip in elevation view demonstrates that that feature of the Saltzman toothbrush is flat, not ellipsoidal about the longitudinal axis of the handle.

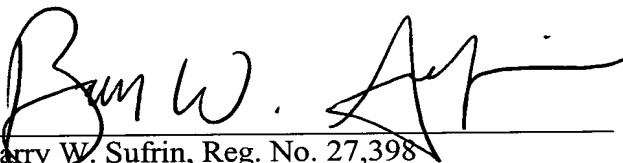
With specific reference to claim 19, the cited patents do not teach or suggest the elastomer at the top of the handle in the proximal grip section extending to and running along the bottom of the handle.

In re Appln. of Stvartak et al.
Cont. of Appln. No. 09/915,081

Claim 23 is directed to a method of brushing the teeth which includes gripping the handle in the user's hands with the user's three lower fingers curled around and holding an ellipsoidal proximal grip section and the central control section held between the user's forefinger and thumb. This is neither taught nor suggested in the cited references which lack the ellipsoidal proximal grip section of the handle. Furthermore, claim 24, which is dependent upon method claim 23, calls for raised designs on the lands of the handle with the user's thumb and forefinger positioned on the raised lands both visually and by way of a tactile feedback sensation that the user gets when the thumb and forefinger touch the raised designs. This is also absent from the cited patents.

Thus, the application is believed to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry W. Sufrin", is written over a horizontal line.

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Date: August 4, 2003